

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 48467

Byron Hamlin

8513 Castlemill Circle

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on March 24, 2009, for a hearing on a continuation of the citation for violations under the Baltimore County Code 35-2-301, failure to obtain building permit; Baltimore County Zoning Regulations (BCZR) section 500.9, failure to comply with Hearing Officer's Final Order dated September 22, 2008 on residential property zoned DR 16 known as 8513 Castlemill Circle, 21236.

On December 31, 2008, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$11,600.00 (eleven thousand six hundred dollars).

The following persons appeared for the Hearing and testified: the Respondent, Byron Hamlin and Keith Parker, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued to Respondent on July 29, 2008 for lack of a required building permit, removal of tall grass and weeds, and to discontinue dumping material on another's property because of lumber in a wooded area next to Respondent's property.

B. A Citation was issued on August 20, 2008 for failure to obtain required building permit for a shed constructed at the rear of the property. Following a hearing on September 16, 2008, at which Respondent Hamlin appeared, Hearing Officer Wisnom ordered that "Respondent is to apply for the permit, which may require variance to set back requirements." The Final Order imposed a \$1,000.00 (one thousand dollars) civil penalty and further provided that the penalty "shall be suspended on condition a valid building permit is obtained on or before November 3, 2008 or if required, a petition of variance request is in the system on or before November 3, 2008." Respondent failed to comply with the Final Order, and the civil penalty was imposed and notice sent to Respondent by letter dated December 2, 2008.

C. This second Citation was issued on December 31, 2008 for failure to obtain the required building permit and failure to comply with the Hearing Officer's Final Order. A hearing was held on January 27, 2009. Hearing Officer Brand issued a Final Order with findings that Respondent constructed a 12 feet by 14 feet shed without a building permit; that Respondent is unsure as to the location of his property boundaries; that he sought information from the Zoning Office prior to the September hearing and attempted to file a petition for a zoning variance without success. Hearing Officer Brand continued the case for a future hearing, and directed Respondent to (1) hire a surveyor to properly locate his property boundaries, (2) notify the inspector of the surveyor retained, and (3) provide the inspector with a copy of the location survey and Respondent's plan for correcting the violation.

D. This Hearing was held on March 24. Respondent Hamlin testified that from the property survey he has learned that the shed is not in a permissible location and it is too large. He further testified that he will take apart the shed and plan an appropriate replacement, following all required zoning and permit processes. He requested an extension of time to June 30 for removing the shed, because he currently works weekdays and weekends at his job and does not have many days off to do the work. Mr. Parker did not object to the proposed timeframe.

E. Photographs in the file show what appears to be an orange extension cord providing electricity to the shed, entering the shed just below the roofline.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$11,600.00 (eleven thousand six hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be rescinded and reduced to zero if the shed is removed by June 30, 2009. If the Respondent fails to correct the violations, the civil penalty shall be imposed and placed as a lien upon the property. (The civil penalty for the prior Citation dated August 20, 2008 has already been imposed and is not affected by this Order.)

IT IS FURTHER ORDERED THAT Respondent shall immediately disconnect the electrical service to the shed, for safety reasons.

IT IS FURTHER ORDERED that the County re-inspect the property to determine whether the violations have been corrected.

ORDERED this 2nd day of April 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO VIOLATOR: The violator is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Violator may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Violator may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order. Any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf